

**Notice of Allowability**

Application No.

09/589,758

Applicant(s)

HAWS ET AL.

Examiner

Art Unit

Fred Ferris

2128

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 27 August 2004.
2. ☒ The allowed claim(s) is/are 8-18, Now renumbered as 1-11.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☒ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 8/27/04.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 9/23/05
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

JEAN R. HOMERE  
PRIMARY EXAMINER

### DETAILED ACTION

1. *This office action is responsive to the amendment to the claims and arguments filed in applicant's appeal brief dated 27 August 2004 under new Rules for Practice before board of Patent Appeals, 69 Fed. Reg. 49959, August 12, 2004. The finality of the previous office action is now withdrawn. Applicant's amendment to the claims and arguments are now made of record. Applicants have canceled claims 1-7. Claims 8-18 are currently pending and have now been allowed over the prior art of record.*

### EXAMINER'S AMENDMENT

2. *An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.*

*Authorization for this examiner's amendment was given in a telephone interview with Mr. Shawn D. Jacka (applicant's representative) on 6 May 2005. (See attached interview summary)*

**Amend claim 8 with the following:**

*On page 3, line 7 of applicant's amendment filed 2 June 2004 delete the preamble which recites the following:*

*“(New) The method of claim 7 further comprising the steps of:”*

*Replace (insert) with the following text:*

*8. A method for creating a computer aided design drawing formed of a plurality of target objects, comprising the steps of:*

- (a) inputting first coordinate position data;
- (b) displaying a first target object corresponding to the first coordinate position data;
- (c) creating first dimension annotation data correlated to the first coordinate position data;
- (d) displaying a first dimension annotation correlated to the first dimension annotation data; and
- (e) cross-associating the first target object with the first dimension annotation, wherein as a result of such cross-association:
  - (i) a change in the first coordinate position data will effect a correlated change in the first dimension annotation data; and
  - (ii) a change in the first dimension annotation data will effect a correlated change in the first coordinate position data;

Prior to the existing text that recites: "(f) subsequent to step (e), inputting further coordinate..."

Also, Delete the semicolon and add a period to the last line of claim 8 found on page 28, line 6 of applicants response filed 2 June 2004. The last line should now read as follows:

"further coordinate position data."

2. Add a period to the last line of claim 12 found on page 4, line 32 of applicant's amendment filed 2 June 2004. The last line should now read as follows:

"modified first dimension annotation data."

### **Response to Arguments**

3. Applicant's arguments filed 27 August 2004 have been fully considered.

Regarding applicant's response to 112(1): The examiner withdraws the 112(1) rejection in view of applicant's amendment to the claims and arguments submitted 27 August 2004.

Regarding applicants response to prior art 102/103 rejections: The examiner withdraws the prior art 102/103 rejections in view of applicant's amendment to the claims and arguments submitted 27 August 2004.

#### **Allowable Subject Matter**

4. Claims 8-18 have been allowed over the prior art of record.

The following is an examiner's statement of reasons for allowance:

Applicants are disclosing a method for creating a CAD drawing consisting of target objects including; inputting coordinate data, displaying target object by coordinate data, creating dimension annotation relative to coordinate data, displaying dimension annotation correlated to annotation data, cross-associating target object dimension annotation where a change in coordinate position data will effect the change in dimension annotation data and visa versa. That is, the invention uses parametric dimensioning where drawing objects are represented as related sets of functions with variable parameters so that modifying one parameter, effects a change in the relative object and adjacent object coordinate position data. This has been disclosed in the prior art.

While these features are individually disclosed in the prior art, the prior art of record does not meet the conditions as suggested in MPEP section 2132, namely:

*"The identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an **ipsissimis verbis** test, i.e., identity of terminology is not required. **In re Bond**, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990)."*

*In particular, the prior art of record does not disclose the specific sequence of method steps relating to creating a CAD drawing formed by target objects by cross associating the target objects with dimension annotations (See independent claim 8, steps a-j, and independent claim 13, steps a-g), in the context of the claims.*

*The closest prior art uncovered during examination teaches certain limitations of the claimed invention as follows:*

*ArchiTECH.PC v 3.0 joins the object revolution" H.E. Goldberg, CADALYST, Advanstar publications, May 2000: ArchiTECH.PC V3.0 (released January 2000) discloses an architectural CAD program that provides automatic dimensioning of drawing objects and cross-association (i.e. parametric dimensioning) of a target object's (object of interest) dimension annotation (dimension text) where a change in coordinate data shows a change in the dimension annotation text. However, ArchiTECH.PC V3.0 does not explicitly disclose the specific sequence of method steps relating to creating a CAD drawing formed by target objects by cross associating the target objects with dimension annotations as recited in independent claim 8, steps a-j, and independent claim 13, steps a-g of the present invention.*

"AutoCAD User's Guide", Release 14, Autodesk, Inc., December 5, 1997:

*AutoCAD 14 discloses a CAD drawing system incorporating annotation of dimensions, text, lines, extension lines, termination lines, related input parameters, and provides facilities for creating and displaying a target object and generating dimension annotations for a target object. AutoCAD 14, however, also fails to disclose the specific sequence of method steps relating to creating a CAD drawing formed by target objects by cross associating the target objects with dimension annotations as recited in independent claim 8, steps a-j, and independent claim 13, steps a-g of the present invention.*

"Automatic Dimensioning in Design for Manufacturing", D. Serrano, ACM

089791-427-9/91/0006/0379, ACM 1991: *Serrano discloses automatic dimensioning in CAD systems, techniques for parametric dimensioning, and the related geometry for computing distances of objects of in CAD drawings based on the association between objects as effected by a change in coordinates (i.e. cross-associated). However, Serrano further does not explicitly disclose the specific sequence of method steps relating to creating a CAD drawing formed by target objects by cross associating the target objects with dimension annotations as recited in independent claim 8, steps a-j, and independent claim 13, steps a-g of the present invention.*

*Applicants have also defined the specific meaning of each limitation of independent claims 8 and 13 as disclosed in the relative sections of applicants*

*specification (See: applicants reply filed 26 January 2005, pages 3-6) These features noted above relating to the specific sequence of method steps and specific meaning of each limitation relative to applicants specification renders the claimed invention non-obvious over the prior art of record. Dependent claims 9-12 and 14-18 are deemed allowable as being dependent from independent claims 8 and 13 respectively.*

*Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."*

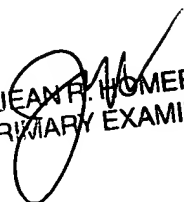
### **Conclusion**

5. *Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Ferris whose telephone number is 571-272-3778 and whose normal working hours are 8:30am to 5:00pm Monday to Friday. Any inquiry of a general nature relating to the status of this application should be directed to the group receptionist whose telephone number is 571-272-3700. If attempts to reach the*

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*examiner by telephone are unsuccessful, the examiner's supervisor, Jean Homere can be reached at 571-272-3780. The Official Fax Number is: (703) 872-9306*

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March 23, 2005

  
JEAN R. HOMERE  
PRIMARY EXAMINER